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SERVICE DATE – LATE RELEASE JULY 22, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
ELK AND CAMERON COUNTIES, PA

Decided: July 22, 2005

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was extended by decisions served on April 12, 2004, July 22, 2004, October 25, 2004, and April 22, 2005. The latest extension for Cameron County is scheduled to expire on July 22, 2005, and the latest extension for Elk County is scheduled to expire on October 20, 2005.

On July 20, 2005, A&E filed a request to extend the NITU negotiating period for Cameron County until October 20, 2005, to coincide with Elk County's negotiating period. According to A&E, it is continuing to negotiate with both counties. A&E also states that Cameron County concurs in the request to extend the NITU negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period for Cameron County will be extended until October 20, 2005.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The request to extend Cameron County's NITU negotiating period is granted.
2. The NITU negotiating period for Cameron County is extended until October 20, 2005, to coincide with the negotiating period for Elk County.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary